



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

January 17, 2017

**Re: Arco Recycling, Inc.
Notice of Violation
NOV
Construction Demolition Debris
Cuyahoga County
CDDL021638**

Ms. Christina Beynon
President
Arco Recycling, Inc.
1705 Noble Road
East Cleveland, Ohio 44112

Ms. Christina Beynon
President
Arco Recycling, Inc.
P.O. Box 12076
East Cleveland, Ohio 44112

Subject: Notice of Violation

Dear Ms. Beynon:

Since the inception of Arco Recycling Inc. ("Arco") Noble Road facility, Arco has repeatedly asserted that it is a legitimate recycling facility in response to Ohio EPA's growing concerns about the facility's operation. On June 3, 2016, Ohio EPA sent a letter to Arco outlining the Best Management Practices that should be followed to operate a legitimate construction and demolition debris (C&DD) recycling facility, which includes recording incoming and outgoing materials.

During a site visit on June 14, 2016, Mike Riley indicated that outgoing material on Arco's reports did not represent the material that had actually left the site. On July 11, 2016, Arco's counsel sent a letter to Ohio EPA indicating that adjustments would be made on the outgoing material spreadsheet to clarify the onsite or offsite status of the outgoing materials. Additionally, Arco's counsel requested a meeting with Ohio EPA and the Cuyahoga County Board of Health to discuss Arco's recycling operation and ongoing compliance.

At this meeting on August 25, 2016, Arco indicated that it had undergone reorganization of management in August and changes were underway to the facility's operation to hire more staff to increase recycling operations. Arco also agreed to enhance its Fire

Prevention Plan and Emergency Response Plan. Arco made these enhancements in September.

On September 28, 2016, Arco's counsel sent an email to Ohio EPA and the Cuyahoga County Board of Health providing details of the facility's plans to address onsite materials, increase staff and the recycling operations. In November 2016, Arco's counsel provided Ohio EPA with the September and October 2016 outgoing material spreadsheets.

On January 13, 2017, Ohio EPA and the Cuyahoga County Board of Health conducted an inspection of the facility. The inspection revealed that under the new management structure, Arco had recycled a minimal amount of material and the amount of onsite construction and demolition debris had continued to increase. Accordingly, Arco has violated Ohio Administrative Code 3745-400-04 (B) by permitting the illegal disposal of construction and demolition debris to exist at the Noble Road facility.

Please provide documentation of Arco's steps taken to remedy the violation. All documentation should be sent to me at bill.lutz@epa.ohio.gov.

Failure to comply with Chapter 3714 of the Ohio Revised Code and rules promulgated thereunder may result in an administrative or civil penalty. Please note that the submission of any requested information to respond to this letter does not constitute waiver of Ohio EPA's authority to seek administrative or civil penalties specified in the ORC.

Should you have any questions, please contact me at (330) 963-1245 or at bill.lutz@epa.ohio.gov.

Sincerely,



Bill Lutz
Environmental Specialist 2
Division of Materials and Waste Management

BL:cla

cc: Barry Grisez, Cuyahoga County Board of Health
Terry Finn, Roetzel and Andress, Counsel for Arco Recycling, Inc

ec: Jarnal Singh, Ohio EPA, NEDO, DMWM
Terrie TerMeer, Ohio EPA, Central Office, DMWM